

## CHANGES: INDEX TO CHANGES IN TMEP THIRD EDITION, REV. 2

The table below summarizes the changes in the Third edition of the TMEP, Rev. 2, dated May 2003.

TMEP SECTION	CHANGE
107	Reference to stock numbers deleted.
110	Excerpt of Rule 2.27(c) updated.
111	Correspondence address updated.
206.02	Typographical error corrected.
301	TEAS can now be used to file applications for registration of certification marks, collective marks, and collective membership marks.
302	Excerpt of Rule 1.4 updated.
302.01	Deleted reference to “certified” copy of foreign registration.
303	Excerpt of Rule 1.6 updated.
304.02	Deleted reference to certified copy of foreign registration.
304.07	Corrected typographical error in 4 <sup>th</sup> paragraph.
305.01	Correspondence addresses updated.
305.02	Excerpt of Rule 1.8 updated.
305.02(d)	Address updated.
305.03	Added form for certificate of mailing under 37 C.F.R. §1.8 for correspondence sent by Express Mail. Excerpt of Rule 1.10 updated.
306.01	Deleted reference to certified copy of foreign registration.
306.05	Excerpt of Rule 1.8 updated.
307	Address updated.
405.03	Excerpt of Rule 1.25 updated.
405.04	Excerpt of Rule 1.26 updated.
501.01	Extract from §10 of Trademark Act updated.
501.01(a)	Extract from §10 of Trademark Act updated.
501.02	Extract from §10 of Trademark Act updated.
501.03	Extract from §10 of Trademark Act updated.
501.04	Designation of domestic representative by foreign assignee is encouraged. Extracts of Rule 3.61 and §10 of Act updated.
502	References to §10 of Trademark Act and Rule 3.73 updated.
503.02	Excerpt of Rule 3.11 updated.
503.03(e)	Deleted requirement that trademark cover sheet include an indication that an assignee who is not domiciled in the United States had designated a domestic representative.
503.04	Correspondence address updated.
602	Added statement that foreign attorney who meets the requirements of 37 C.F.R. §10.14(c) can only represent parties located in the country in which the foreign attorney resides and practices.

<b>TMEP SECTION</b>	<b>CHANGE</b>
602.02(a)	Reference to title change deleted.
602.04	Excerpt of Rule 2.19 updated.
602.04(a)	If domestic representative withdraws, managing attorney or supervisor should update TRAM. Excerpt of Rule 2.19 updated.
603	Extract of Rule 2.18 updated.
603.05	USPTO will correspond directly with foreign parties who are not represented by an attorney and have not designated a domestic representative.
604	Designation of domestic representative by foreign parties is encouraged but no longer mandatory.
702.03(a)(i)	Examiners will no longer transfer companion applications. Instead they will review the prior Office action and take action that is consistent with that action.
707.03	Reworded first paragraph, setting forth information to be included in examiner's amendment.
710.01(b)	New paragraph added - Evidence of actual use of a phrase by a website has greater probative value than summary results of search for key words.
713	Excerpt of Rule 2.63 updated.
714	Excerpt of Rule 2.64 updated.
714.03	Reference to requirement for "certified" copy of foreign registration deleted.
716	Excerpt of Rule 2.67 updated.
716.02(b)	Reference to "certified" copy of foreign registration deleted.
716.05	Reference to "certified" copy of foreign registration deleted.
718.03	Examining attorneys should not hold applications abandoned for failure to file a complete response to a nonfinal action; instead, the examining attorney should issue a final action. Excerpt of Rule 2.65 updated.
718.08	New section - New search required after revival of abandoned application.
801.02(b)	Applicant may not seek registration on both Principal and Supplemental Register in the same application.
806.01(d)	Photocopy of foreign registration is acceptable in §44(e) applications.
806.02(f)	Deleted reference to "certified" copy of foreign registration.
811	Filing of designation of domestic representative by foreign applicant is encouraged.
814	Caselaw updated.
818	Application checklist revised to delete reference to "certified" copy of foreign registration, and to indicate that designation of domestic representative is encouraged.
1003	Foreign applicant may designate domestic representative.

<b>TMEP SECTION</b>	<b>CHANGE</b>
1003.04	Deleted reference to “certified” copy of foreign registration.
1004	Revised to indicate that photocopy of foreign registration is acceptable, and that designation of domestic representative by foreign applicant is encouraged.
1004.01	Photocopy of foreign registration is acceptable.
1004.01(a)	Photocopy of foreign registration showing that registration has been renewed is acceptable.
1005	Copy of assignment of foreign registration is acceptable evidence of ownership.
1006	Designation of domestic representative by foreign assignee is encouraged.
1013	Domestic representative by foreign applicant is encouraged.
1104.11	Reference to signing file jacket deleted.
1107	Cross reference added.
1107.01	New. Sets forth procedures for processing amendment filed after issuance of Notice of Allowance and before filing of Statement of Use.
1110.07	Deleted reference to “certified” copy of foreign registration.
1202.08	Caselaw updated.
1203.02(b)	Caselaw updated.
1207.01	Caselaw updated.
1207.01(a)(iii)	Caselaw updated.
1207.01(a)(vi)	Caselaw updated.
1207.01(b)	Typographical error corrected.
1207.01(b)(iii)	Caselaw updated.
1207.01(c)(iii)	Typographical error corrected.
1207.01(d)(iv)	Caselaw updated.
1207.01(d)(ix)	Updated discussion of caselaw.
1209.01(c)(i)	Updated discussion of caselaw.
1209.01(c)(iii)	Caselaw updated.
1209.03(d)	Caselaw updated.
1209.03(m)	Caselaw updated.
1211.01(a)(iv)	Caselaw updated.
1215.04	Caselaw updated.
1215.05	Caselaw updated.
1216.02	Case citation updated.
1401.02(a)	Class heading for Class 38 added (corrects oversight).
1401.03(b)	Added statement in 3 <sup>rd</sup> paragraph that examining attorney must require amendment of the classification when the Pre-Examination Section of the Office designates an incorrect class.
1402.03(c)	Discussion of intent-to-use applications added, for consistency with §1402.03(b).
1502.01	Address updated.

<b>TMEP SECTION</b>	<b>CHANGE</b>
1604	Extract of §8 of Trademark Act updated.
1604.05	Extract of Rule 2.161 updated.
1604.07(a)	Caselaw updated.
1604.14	Filing of designation of domestic representative by foreign registrant is encouraged.
1604.16	Cross reference updated in first paragraph.
1604.17(c)	Caselaw updated.
1606	Extract of §9 of Trademark Act updated.
1606.04	Extract of Rule 2.183 updated.
1606.05(c)	Cross-reference to Rule 2.183 updated.
1606.10	Filing of designation of domestic representative by foreign registrant is encouraged.
1612	References to changes of address filed after registration deleted and replaced with reference to §603.02(c).
1701	Reference to 15 U.S.C. §1123 added.
1702	Excerpt of Rule 2.146 updated.
1711	New paragraph added setting forth new Office policy regarding petitions to restore filing dates to applications based solely on the applicant's verified statement that a missing element was submitted but misplaced by the Office.
1712.01	Abandoned application may be reinstated if there is an image of a timely-filed response to Office action, statement of use, or request for extension of time to file a statement of use in the Office's Trademark Image Capture and Retrieval System (TICRS) database.
1712.02	<p>Cancelled registration may be reinstated if there is an image of a timely-filed §8 affidavit, renewal application, or response to Office action in the Office's TICRS database.</p> <p>Where a registrant unintentionally fails to timely respond to an examiner's Office action refusing to accept a §8 affidavit or renewal application, but the registrant does not have the proof of Office error that would support a request for reinstatement, the registrant must file a petition within two months of the cancellation notice.</p> <p>If registrant contends that a §8 affidavit or renewal application was timely filed, but the registrant does not have proof that the §8 affidavit or renewal application was received in the Office before the due date, the Director will not grant a petition to accept the affidavit or renewal application.</p>
1714	Excerpt of Rule 2.66 updated.
1715.07	Address updated.